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November 5, 2021

Via ECF

Hon. Edward R. Korman
United States District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Moss v. First Premier Bank*, No. 13-cv-5438 (E.D.N.Y.)

Dear Judge Korman:

On behalf of the Plaintiff Deborah Moss (“Moss”) and Defendant First Premier Bank (“First Premier”) (collectively, the “Parties”), this joint letter is submitted regarding Plaintiff’s Motion for Class Certification, which was served on First Premier pursuant to the Court’s Individual Motion Practices on September 29, 2021. The Parties has since agreed to the following briefing schedule:

- First Premier’s Opposition to Moss’s Motion for Class Certification will be served seven days after receipt of the transcript of the deposition of Arthur Olsen (Moss’s expert relied on in her Motion for Class Certification), which is scheduled to take place on December 9, 2021; and
- Moss’s Reply Memorandum in support of her Motion for Class Certification will be due 20 days after service of First Premier’s Opposition (with slight modifications if that date falls within the Christmas holiday).

By way of explanation, expert discovery is not scheduled to close in this case until December 21, 2021, and Ms. Moss’s Motion for Class Certification relies upon expert reports from Ms. Cathy Glassman and Mr. Olsen. Consistent with the Court’s schedule for expert disclosures, which are ongoing, First Premier will be taking Ms. Glassman’s deposition on November 19, 2021, and Mr. Olsen’s deposition on December 9, 2021, shortly after Mr. Olsen serves his rebuttal expert report by December 1, 2021, responding to First Premier’s expert disclosures (due November 11, 2021). First Premier seeks to depose these experts relied upon by Plaintiff after all of their reports are served and prior to serving its Opposition Memorandum.

Moss’s position is that she does not concede that any delay beyond November 29, 2021 is necessary, but is agreeing to the aforementioned briefing schedule to avoid raising such a dispute to the Court.

Pursuant to the Court’s bundling rule, upon completion of briefing, counsel for Moss will electronically file the complete set of motion papers with the Court.

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Sincerely,

/s/ Bryan R. Freeman

Bryan Freeman

cc: All counsel of record (via ECF)